IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 2147 of 2007(E)

PETITIONER:

S.SACHITANANDA PAI, S/O.LATE
M.SADANANDA PAI, AGED 55, THEKKEMOOZHITHOTTU-
PARAMBIL, POWER HOUSE EXTENSION ROAD,
ERNAKULAM.

BY ADV. SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI

RESPONDENTS:

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1. THE ASSISTANT EXECUTIVE ENGINEER,
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER,
WATER SUPPLY SUB DIVISION, POOTHENCRUZ,
CHOONDY.

2. THE EXECUTIVE ENGINEER,
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER,
WATER SUPPLY SUB DIVISION, KOCHI-14.

BY S.C.SRI.M.DINESH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.2147 of 2007

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Dated this the 30th day of January, 2007.

JUDGMENT

Petitioner, a consumer of water from the Kerala Water Authority, moved this Court and obtained Ext.P3 judgment directing consideration of his objections to a demand made as per Ext.P2. This Court directed the Kerala Water Authority to issue a detailed statement regarding the mode of quantification leading to Ext.P2. Thereupon, the Assistant Executive Engineer issued Ext.P4. As is apparent from that document, the demand is not on the basis of any faulty meter and therefore it is not a case that would fall under Regulation 17(d) of the Kerala Water Authority (Water Supply) Regulation, 1991. However, a reading of Clauses 15(a) and 15(b) would show that the Assistant Executive Engineer is entitled to entertain a complaint regarding the erroneous calculation of water charges and the authority to revise any such decision lies with the Executive Engineer. This means a revision will lie under Regulation 15(b) of the aforesaid Regulations

when a consumer has a complaint regarding the quantification of the water consumed, in cases where there is no complaint that the meter is faulty. In the case in hand, neither does the Water Authority nor the petitioner has any complaint regarding the faulty or otherwise nature of the meter. This means any revision by the petitioner against Ext.P4 can be entertained and disposed of by the Executive Engineer. Not only that, the embargo in Regulation 17(d) that the appealing consumer should deposit 50% is not a clause that will govern the revision under Clause 15(b).

In the aforesaid circumstances, after hearing the learned counsel for the petitioner and the learned counsel for the Kerala Water Authority, this writ petition is disposed of directing that Ext.P5 will be taken up, considered and decided upon by the second respondent in exercise of authority under Regulation 15 (b) of the aforesaid Regulations, after hearing the petitioner and the first respondent on the question as to whether any order in the nature provided for in Regulation 15(b) is required to be issued. Let the

needful be done in terms of this judgment within a period of two months from the date of receipt of a copy of this judgment. Until then, there shall be no recovery on the basis of the impugned demand.

Thottathil B.Radhakrishnan,
Judge.

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